

REMARKS

Applicants acknowledge the receipt of the Office Action dated 24 August 2005 in which the Examiner:

- 1) rejected claims 34-40 under 35 U.S.C. 112, ¶ 1 as failing to comply with the written description requirement;
- 2) rejected claims 9-10, 13-16, 18-19, 21-23, and 25 under 35 U.S.C. 102(b) as anticipated by *Borton et al.* (U.S. Pat. No. 5,751,443);
- 3) rejected claims 11-12, 17, 20, 24, 34-37, and 39-48 under 35 U.S.C. 103(a) as obvious over one or more of: *Borton*, *Minerd et al.* (U.S. Pat. No. 4,540,887), *Kuchek* (U.S. Pat. No. 4,685,982), *Barbera et al.* (U.S. Pat. No. 6,364,556), *Hashimoto* (U.S. Pat. No. 5,764,251), *Allen et al.* (U.S. Pat. No. 6,291,829), and *McMurtry et al.* (U.S. Pat. No. 4,975,571); and
- 4) objected to claim 38 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Response, Applicants are: 1) canceling pending claims 9-25 and 41-48, 2) amending claim 34 to include the limitations of allowable claim 38, and 3) addressing the §112, ¶1 objection to claim 34. No new matter is added. The claims are amended as shown above, with amendment status also indicated. All changes are shown by underlining the added text and double-bracketing and/or strikethrough of deleted text.

A. Amendment to Claim 34

The Examiner has objected to claim 38 as being dependent upon rejected independent claim 34, but allowable if rewritten in independent form including all of the limitations of claim 34.

Accordingly, Applicants have cancelled claim 38 and incorporated those limitations in independent claim 34. Subject to the §112, ¶1 objection addressed below, this amendment should place claim 34, and all claims depending therefrom in condition for allowance.

Consideration of this amendment and the remarks below, and allowance of all pending claims is respectfully requested.

B. 35 U.S.C. 112, ¶1 Objection to Claim 34

The Examiner has objected to claim 34 (and dependent claims 35-40) as failing to comply with the written description requirement of 35 USC §112, ¶1. The Examiner has asserted that the claims contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Specifically, the examiner suggests that the limitation “directing said optical energy through at least two distinct locations along said media path” is not presented in the specification.

Applicants respectfully submit that the recited claim language is sufficiently described in the specification and illustrated in the Figures. For example, one location in which the claim language is found is at the end of paragraph [0047], where the attenuation of optical energy upon “twice passing through transparent media 46” is described. A corresponding graphical representation is illustrated at least in Fig. 11. Therefore, since the recited claim language is presented in the specification, the written description requirement of 35 USC §112, ¶1 is satisfied. Applicants respectfully request withdrawal of the §112 objection and allowance of all pending claims.


C. Conclusion

In light of the claim amendments and remarks offered above, prompt allowance of all pending claims is respectfully requested. If the Examiner feels a telephone conversation is necessary for discussing the issues, (s)he is invited to call the undersigned.

Respectfully submitted,

By:

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATE POSTAL SERVICE, ON THE DATE INDICATED BELOW, AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: **Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Signature: 

Name: Season E. Munck

Date: 10/24/05